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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,386	08/21/2001	Bharath Vasudevan	016295.0673	8095

7590

12/30/2005

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EXAMINER

KINDRED, ALFORD W

ART UNIT

PAPER NUMBER

2163

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/934,386

Applicant(s)

VASUDEVAN ET AL.

Examiner

Alford W. Kindred

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-20,23 and 26-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communication: RCE, filed on 10/12/2005.

Allowable Subject Matter

2. Claims 5-20 and 26-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, along with the corrected 112 problem, including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach and/or suggest "the source subsystem is operable to issue a write statement . . . the target subsystem is external to the source subsystem . . . the repository subsystem is external to each of the source subsystem and the target subsystem . . . the repository subsystem is operable to queue the write statement issued by and received from the source subsystem and deliver the write statement to the target subsystem", combined with "a source storage device operable to store data and meta-data and changes thereto in response to the write statement."

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites the limitation "the source node" and "the target node" in claim 1, page 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman Amuah, US# 6,438,594 B1, in view of Freeman et al., US# 2001/0049717 A1, and further in view of Ambrose et al., US# 2002/0065879 A1.

As per claims 1-2, Bowman-Amuah teaches “a source subsystem” (see col. 49, lines 34-59 and col. 52, lines 56-59) “a target subsystem, wherein the source node and the target node are communicatively” (see col. 53, lines 15-26) “a repository subsystem” (see col. 56, lines 26-35). Bowman-Amuah does not explicitly teach “wherein the repository subsystem is external to each of the source subsystem and the target subsystem . . . data between the repository subsystem . . .”. Freeman et al. teaches “wherein the repository subsystem is external to each of the source subsystem and the target subsystem . . . data between the repository subsystem . . .” (see paragraphs [0301]-[303], [0285] and [0374]). It would have been obvious at the time of the invention for one of ordinary skill in the art to have combined the teachings of Bowman-Amuah and Freeman, because using the steps of “wherein the repository subsystem is external to each of the source subsystem and the target subsystem . . . data between the repository subsystem . . .”, would have given those skilled in the art the tools to

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externally coordinate the communications between various repository and source subsystems. This decreases the processing time of data between the source and target subsystems. Bowman-Amuah does not explicitly teach “wherein the target subsystem is external to the source subsystem . . . wherein the repository subsystem is operable to queue the write statement issued by the source subsystem and deliver the write statement to the target subsystem.” Ambrose et al. teaches “wherein the target subsystem is external to the source subsystem . . . wherein the repository subsystem is operable to queue the write statement issued by the source subsystem and deliver the write statement to the target subsystem” (see paragraph [0185], [0291], and [0463]). It would have been obvious at the time of the invention for one of ordinary skill in the art to have combined the teachings of Bowman and Ambrose, because using the steps “wherein the target subsystem is external to the source subsystem . . . wherein the repository subsystem is operable to queue the write statement issued by the source subsystem and deliver the write statement to the target subsystem” would have given those skilled in the art the ability to temporary store write statements for subsequent transmission, to various repository systems, wherein the systems are separated and distinct. This give users the advantage of processing and manipulating replicated data, in independent source, for data transmission purposes, faster.

Response to Arguments

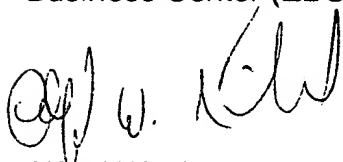
6. Applicant's arguments with respect to claims 1, 2, 5-20, 23, and 26-31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alford W. Kindred whose telephone number is 571-272-4037. The examiner can normally be reached on Mon-Fri 9:00 am- 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alford W. Kindred
Patent Examiner
Tech Ctr. 2100